

CITY COUNCIL'S CONDITIONS APPLYING TO THE APPROVAL OF THE FINAL PLAN FOR REGISTRATION OF THE SUBJECT SUBDIVISION ARE AS FOLLOWS:

1. That this approval applies to the draft plan of subdivision of Parcel 48390 S.E.S., excluding Lots 1 and 2 as illustrated on the draft plan, in Lot 6, Concession 1, Township of Garson, City of Greater Sudbury, as shown on a plan prepared by D.S. Dorland, O.L.S. dated February 27th, 1990.
2. That the street(s) shall be named to the satisfaction of the Municipality.
3. That any dead-ends or open sides of road allowances created by this plan of subdivision shall be terminated in one-foot reserves, to be conveyed to the Municipality and held in trust by the Municipality until required for future road allowances or the development of adjacent land.
4. That the lot areas, frontages and depths appearing on the final plan shall not violate the requirements of the Restricted Area By-laws of the Municipality in effect and approved by the Ontario Municipal Board at the time such plan is presented for approval.
5. That the subdivision agreement be registered by the Municipality against the land to which it applies.
6. That such easements as may be required for utility or drainage purposes shall be granted to the appropriate authority.
7. That the owner agrees in writing to satisfy all the requirements, financial and otherwise, of the City of Greater Sudbury concerning the provision of roads, installation of services and drainage.
8. That the subdivision agreement contain provisions whereby the owner agrees that all the requirements of the subdivision agreement including installation of required services be completed within 3 years after registration.
9. That 5% of the cash value of the land included in the plan of subdivision be provided to the City of Greater Sudbury for parks purposes in accordance with Section 51.(1) of The Planning Act.
10. **Deleted.**
11. **Deleted.**
12. That the subdivision agreement contain provisions whereby the developer will be required to construct Sandra Street and Fabian Crescent to full urban standards to the satisfaction of the General Manager of Public Works.
13. That the proposed cul-de-sac be enlarged up to 20 metres in radius and a walkway be provided between Lots 10 and 11 to the satisfaction of the General Manager of Public Works.

14. **Deleted**
15. That the subdivision agreement contain provisions whereby the developer will be required to make a cash contribution to relay two sections of sanitary sewer and/or construct a diversion sewer to allow for sufficient sanitary sewer capacity for this subdivision, to the satisfaction of the Director of Planning Services. The proportion of the cost allocated to Fabian Subdivision is \$10,450.00. Should the development not proceed within this three year draft plan extension, the allocated cost will be revised to reflect current construction costs.
16. **Deleted.**
17. **Deleted.**
18. **Deleted.**
19. That prior to the signing of the final plan the Director of Planning Services is to be advised by the Director of Legal Services/City Solicitor that Conditions #2, #3, #5, #6, #7, #8, #9, #10, #11, #12, #13, #14, #15 and #23 have been complied with to his satisfaction.
20. That this draft approval shall lapse on December 4, 2012.
21. Draft approval does not guarantee an allocation of sewer or water capacity. Prior to the signing of the final plan, the Director of Planning Services is to be advised by the General Manager of Public Works that sufficient sewage treatment capacity and water capacity exists to service the development.
22. **Deleted.**
23. That prior to the signing of the final plan, the owner enter into an agreement pursuant to Section 51 (6) of The Planning Act, R.S.O. 1990, which shall remain on title, whereby the owner agrees to the following:
 - a) In the event that the sand pit is reactivated, the owner shall construct a noise barrier as per the recommendations and specifications of a qualified acoustical engineer and such barrier shall remain in place during the operating life of the pit.
 - b) This agreement shall also contain a "noise warning clause" advising prospective purchasers that despite the inclusion of noise control features, noise levels may become of concern, occasionally interfering with some activities of the occupants.
 - c) That this agreement may be removed from title once the pit has been depleted of resources.

24. Prior to the submission of servicing plans, the owner shall, to the satisfaction of the Director of Planning Services, provide an updated geotechnical report prepared, signed, sealed and dated by a geotechnical engineer licensed in the Province of Ontario. Said report shall, as a minimum, provide factual information on the soils and ground water conditions within the proposed development. Also, the report should include design information and recommend construction procedures for storm and sanitary sewers, stormwater management facilities, watermains, roads to a 20 year design life, the mass filling of land, surface drainage works, erosion control, slope stability, slope treatment and building foundations. The geotechnical information on building foundations shall be to the satisfaction of the Chief Building Official and Director of Planning Services.
25. That the developer prepare a sediment control plan for the construction phase of the project to the satisfaction of the Nickel District Conservation Authority and the Director of Planning Services.
26. The owner shall provide a detailed lot grading plan prepared, signed, sealed, and dated by a professional civil engineer with a valid certificate of authorization for the proposed lots as part of the submission of servicing plans. This plan must show finished grades around new houses, retaining walls, side yards, swales, slopes and lot corners. The plan must show sufficient grades on boundary properties to mesh the lot grading of the new site to existing properties.
27. Prior to the submission of servicing plans, the owner shall have a stormwater management report and plan prepared, signed, sealed, and dated by a professional engineer with a valid certificate of authorization. Said report shall establish how the quantity and quality of stormwater will be managed for the subdivision development and assess the impact of stormwater runoff from this developed subdivision on abutting lands, on the downstream storm sewer outlet systems and on downstream watercourses. The report shall deal with the control of both the 1:5 year and Regional Storm events, so as to limit the volume of flow generated on the site to pre-development levels. The Regional Storm flow path is to be set out on the plan(s). The report shall set out any necessary improvements to downstream storm sewers and water courses. The civil engineering consultant shall meet with the Development Approvals Section prior to commencing the stormwater management report.
28. The owner shall be required to have all stormwater management facilities constructed and approved by the City prior to initial acceptance of roads and sewers or at such time as the Director of Planning Services may direct. The owner shall provide lands for said facilities as required by the City.
29. Streetlights for this subdivision will be designed and constructed by Greater Sudbury Hydro Plus Inc. at the cost of the owner.
30. That the developer provide a utilities servicing plan showing the location of all utilities including City services, Hydro, Bell, Union Gas and Persona. This plan must be to the satisfaction of the Director of Planning Services and must be provided prior to construction for any individual phase.

31. A cost contribution of \$21,000 is required in lieu of onsite stormwater quantity controls, and \$48,000 in lieu of onsite stormwater quality control measures for this development if the developer wishes not to provide the stormwater control as detailed in Conditions 27 and 28.
32. The owner shall have an engineering analysis completed to establish whether a storm sewer across the existing plaza development immediately north of the subject site and connected to the existing 750 mm diameter storm sewer which crosses Falconbridge Road is feasible or if a new outlet storm sewer would need to be constructed at the same location. This sewer crossing would have to be constructed prior to the repaving of Falconbridge Road in 2009. A three (3) year no cut policy exists on all new pavements
33. An easement encompassing the outlet storm sewer where it crosses the existing plaza development to a width of six (6) meters will be required. All costs associated for the acquisition of the easement would be borne by the owner.